

### REMARKS

This responds to the Office Action mailed on August 17, 2005.

Claims 5, 7, 9, 10, 14, 20, 24, and 28 are amended, claims 1-4 are canceled, and no claims are added; as a result, claims 5-7, 9-12, 14-21, and 23-30 are now pending in this application.

#### §102 Rejection of the Claims

Claims 5-7, 9-12 14-21 and 23-30 were rejected under 35 USC § 102(a) as being anticipated by Deas et al. (U.S. Publication No. 2003/0043900). Applicants respectfully traverse this rejection. The Office Action alleges that Deas teaches a method of testing a driver. Applicants respectfully disagree. Deas describes an adaptive equalizer to compensate for distortion in a channel. (See the abstract of Deas). The cited portions of Deas describe deriving the transmission channel characteristic (page 5, paragraph 0064), and measuring multiple points (page 5, paragraph 0072) of a received signal as part of determining the response of the channel (page 5, paragraph 0074). Accordingly, the disclosure provided by Deas describes methods for characterization and equalization of an unknown channel.

Independent claim 5 has been amended to make clear that the reference channel is a **known** channel used to test a driver, rather than an unknown channel used for other purposes as disclosed in Deas. Further, the known reference channel of claim 5 “is specified as a worst-case channel that displays a maximum allowable loss versus frequency characteristic”. In contrast, because the channel of Deas is unknown, it is not specified at all prior to being characterized. Indeed, Deas spends significant portions of the disclosure describing how to characterize the unknown channel. Accordingly, applicants respectfully believe claim 5 is in condition for allowance. If the Examiner disagrees, applicants respectfully request that this amendment be entered to place claim 5 in better form for consideration on appeal.

Claims 7, 9, and 10 have been amended to recite a “known reference channel” for proper antecedent basis. Claims 6, 7, and 9-12 depend on claim 5, and are believed to be in condition for allowance at least by virtue of dependency. Further, as stated above, applicants respectfully submit that Deas does not disclose a known reference channel. Accordingly, applicants further

submit that Deas does not disclose ways to specify a known reference channel as claimed in claims 7, 9, and 10.

Independent claim 14 has been amended to make clear that the reference channel is a **known** channel used to test a device under test, rather than an unknown channel used for other purposes as disclosed in Deas. Further, the known reference channel of claim 5 “is specified as a worst-case channel that displays a maximum allowable loss versus frequency characteristic”. In contrast, because the channel of Deas is unknown, it is not specified at all prior to being characterized. Indeed, Deas spends significant portions of the disclosure describing how to characterize the unknown channel. Accordingly, applicants respectfully believe claim 14 is in condition for allowance. If the Examiner disagrees, applicants respectfully request that this amendment be entered to place claim 14 in better form for consideration on appeal.

Claim 20 has been amended to recite a “known reference channel” for proper antecedent basis. Claims 15-21 and 23 depend on claim 14, and are believed to be in condition for allowance at least by virtue of dependency. Further, as stated above, applicants respectfully submit that Deas does not disclose a known reference channel. Accordingly, applicants further submit that Deas does not disclose ways to specify a known reference channel as claimed in claims 20, 21, and 23.

Independent claim 24 is an apparatus claim that corresponds to method claim 14. Claim 24 has been amended to make clear that the reference channel is a **known** reference channel. Applicants respectfully believe claim 24 is in condition for allowance for the reasons discussed above with reference to claim 14. If the Examiner disagrees, applicants respectfully request that this amendment be entered to place claim 24 in better form for consideration on appeal. Claims 25-27 depend on claim 24, and are believed to be in condition for allowance at least by virtue of dependency.

Independent claim 28 is a system claim that corresponds to method claim 14. Claim 28 has been amended to make clear that the reference channel is a **known** reference channel. Applicants respectfully believe claim 28 is in condition for allowance for the reasons discussed above with reference to claim 14. If the Examiner disagrees, applicants respectfully request that this amendment be entered to place claim 28 in better form for consideration on appeal. Claims

29 and 30 depend on claim 28, and are believed to be in condition for allowance at least by virtue of dependency.

§103 Rejection of the Claims

Claims 1-4 were rejected under 35 USC § 103(a) as being unpatentable over Deas et al. (U.S. Publication No. 2003/0043900) in view of ARRL Handbook for Radio Amateurs. Applicants maintain the traversal of this rejection presented in the previous response. However, to reduce the number of issues to be presented on appeal, claims 1-4 have been canceled. This amendment has not been made for reasons of patentability. Applicants expressly reserve the right to present claims 1-4 in a later filed application claiming priority on the instant application.

Withdrawal of prior §102 Rejection of the Claims

Applicants note that the prior rejection of claims 28-30 under 35 USC § 102(e) as being anticipated by Reise et al. (U.S. Patent No. 6,678,625) has been withdrawn.

Reservation of Rights

Applicants do not admit that references cited under 35 USC §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserve the right to swear behind them at a later date. Arguments presented to distinguish such references should not be construed as admissions that the references are prior art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. If the Examiner disagrees, applicants respectfully request that this amendment be entered to place the application in better form for consideration on appeal. The Examiner is invited to telephone Applicant's attorney (952-473-8800) to facilitate prosecution of this application.

Respectfully submitted,

JEFF C MORRISS ET AL.

By their Representatives,

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Date 10-12-05

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of October, 2005.

Chris Hammond

Name

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Signature